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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,408	02/07/2002	Vincent Muniere	Q68363	7319
7590	08/05/2004		EXAMINER	
SUGHRUE MION, PLLC Suite 800 2100 Pennsylvania Avenue Washington, DC 20037-3213			NGUYEN, DAVID Q	
		ART UNIT	PAPER NUMBER	
		2681	4	
DATE MAILED: 08/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/067,408	MUNIERE, VINCENT
	Examiner David Q Nguyen	Art Unit 2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 February 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art (background) in view of Rathonyi et al. (US 6532211 B1).

Regarding claim 1, the applicant's admitted prior art in background discloses a method of optimizing data transfer in a cellular mobile radio system which implements a procedure liable to disturb said transfer of data, wherein said transfer of data is continued during implementation of said procedure (see page 1, paragraphs 0024-0026). The applicant's admitted prior art in background does not mention a reduced size of the radio protocol data units transferred. However, Rathonyi et al. discloses a reduced size of the radio protocol data units transferred (see col. 10, lines 39-54 and fig. 6). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Rathonyi et al to the applicant prior art's method in the background in order to avoid delay transfer of data.

Regarding claim 2, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses wherein said procedure is a cell change procedure (see page 1, paragraphs 0024-0026 of background of Applicants' admitted prior art).

Regarding claim 3, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses wherein said system is a GPRS system and said radio protocol data units are logical link control protocol data units obtained in particular by segmenting higher level network layer protocol data units (see col. 10, lines 39-54 and fig. 2 and fig. 6 of Rathonyi et al.).

Regarding claim 4, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses a cellular mobile radio network entity for implementing a method according to claim 1, the entity including: means for transferring radio protocol data units of reduced size during implementation of said procedure (see col. 10, lines 39-54 and fig. 2 and fig. 6 and abstract Rathonyi et al.).

Regarding claim 5, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses an entity according to claim 4, including, when said network is a GPRS network and said radio protocol data units are logical link control protocol data units obtained by segmenting higher level network layer protocol data units: means for segmenting said higher level protocol data units into radio protocol data units of reduced size during implementation of said procedure (see col. 10, lines 39-54 and fig. 2 and fig. 6 and abstract Rathonyi et al.).

Regarding claim 6, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses the entity being a serving GPRS support node entity (see col. 10, lines 39-54 and fig. 2 and fig. 6 of Rathonyi et al.).

Regarding claim 7, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses a mobile station for implementing a method according to

claim 1, the mobile station including: means for receiving radio protocol data units of reduced size during implementation of said procedure (see col. 10, lines 39-54 and fig. 2 and fig. 6 of Rathonyi et al.).

Regarding claim 8, the method of the applicant's admitted prior art in background in view of Rathonyi et al. also discloses when said network is a GPRS network and said radio protocol data units are logical link control protocol data units obtained for example by segmenting higher level network layer protocol data units: means for reassembling said higher level protocol data units into higher level radio protocol data units during implementation of said procedure (see col. 10, lines 39-54 and fig. 2 and fig. 6 of Rathonyi et al.).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN  
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